

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT PHONE CARD, INC.,

CIVIL ACTION NO. 06-10646

Plaintiff,

DISTRICT JUDGE DENISE PAGE HOOD

v.

MAGISTRATE JUDGE DONALD A. SCHEER

TCC COMMUNICATIONS, INC.,

Defendant.

/

**ORDER DENYING PLAINTIFF'S MOTION
TO COMPEL DISCOVERY, WITHOUT PREJUDICE**

Plaintiff's Motion to Compel Discovery was referred to the undersigned magistrate judge for hearing and determination. The parties appeared, by counsel, for hearing on January 16, 2007. In view of the fact that Defendant's Motion to Dismiss for Lack of Personal Jurisdiction Over the Defendant has not yet been determined, the court finds that Plaintiff's Motion to Compel Discovery is not ripe for determination.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel Responses to Plaintiff's First Request for Production of Documents is denied, without prejudice. Should the district judge determine that the court has personal jurisdiction over the Defendant, and the parties are unable to agree as to Defendant's compliance with Plaintiff's Request for Production of Documents, Plaintiff may renew the Motion to Compel.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: January 17, 2007

CERTIFICATE OF SERVICE

I hereby certify on January 17, 2007 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on January 17, 2007. **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217